

# EXHIBIT 2

**From:** [Hux, James](#)  
**To:** [Spletek, Matthew J.](#); [Wilbert, Johanna](#)  
**Cc:** [Lanciloti, Daniel](#); [Honeycutt, Mike](#); [Hulse, Nick](#); [Valtierra, Elaina](#); [Carwin, Michael W.](#); [Manion, Shauna D.](#); [Vidal Schumm, Jennifer M.](#)  
**Subject:** RE: Ecolab v Grailer [QBLLP-ACTIVE.FID42715720]  
**Date:** Friday, August 18, 2023 3:56:11 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

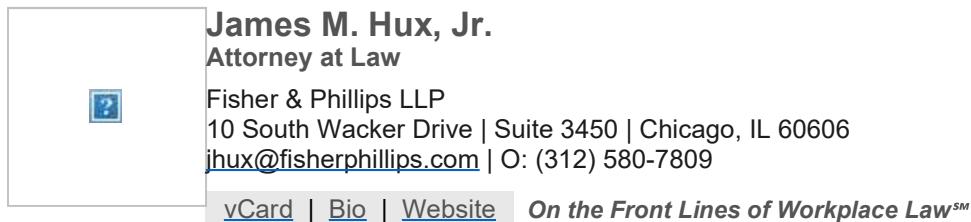
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Matt:

Thanks for bearing with us.

Ecolab has thousands of employees. Ecolab utilizes a tool called Elastic Search which automatically logs in and pulls data from Microsoft Office 365 and Azure on a continuous basis for a very large number of employees, comprehensively copying the data in its own database. Grailer's Microsoft Office 365 information is saved in the Elastic Search cloud environment. To compile the Grailer log file, we ran a query to download all "O365.audit" information for Grailer. The only search filter that was used was a time filter. This file also contains some metadata relating to how Elastic Search ingested Grailer's data. The file that we produced on August 16, 2023, contains the Microsoft Office 365 audit data for Grailer, and in a more comprehensive form than the exemplar file that you referenced. Mechanically, we cannot use the same Export process you described to pull the data from Elastic Search, but regardless, Grailer's Microsoft Office 365 audit data is present in the file that we produced.

Assuming you do not agree to withdraw the Motion to Compel, we will be filing a Motion to request an extension of 7 days to respond to the Motion to Compel today. Please let us know if you oppose this request. If we don't hear from you, we will file it as opposed. Thanks.



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**From:** Spletek, Matthew J. <[matthew.spletek@quarles.com](mailto:matthew.spletek@quarles.com)>  
**Sent:** Thursday, August 17, 2023 5:25 PM  
**To:** Wilbert, Johanna <[johanna.wilbert@quarles.com](mailto:johanna.wilbert@quarles.com)>; Hux, James <[jhux@fisherphillips.com](mailto:jhux@fisherphillips.com)>  
**Cc:** Lanciloti, Daniel <[dlanciloti@fisherphillips.com](mailto:dlanciloti@fisherphillips.com)>; Honeycutt, Mike <[jhoneycutt@fisherphillips.com](mailto:jhoneycutt@fisherphillips.com)>; Hulse, Nick <[nhulse@fisherphillips.com](mailto:nhulse@fisherphillips.com)>; Valtierra, Elaina <[evaltierra@fisherphillips.com](mailto:evaltierra@fisherphillips.com)>; Carwin, Michael W. <[Michael.Carwin@quarles.com](mailto:Michael.Carwin@quarles.com)>; Manion, Shauna D. <[Shauna.Manion@quarles.com](mailto:Shauna.Manion@quarles.com)>; Vidal Schumm, Jennifer M. <[Jennifer.Schumm@quarles.com](mailto:Jennifer.Schumm@quarles.com)>

**Subject:** RE: Ecolab v Grailer [QBLLP-ACTIVE.FID42715720]

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James,

I am following up on Johanna's email below. Do plaintiffs have answers to the questions Johanna listed?

Matt



**Matthew Splitek | Partner**

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**From:** Wilbert, Johanna M. (MKE x1495) <[johanna.wilbert@quarles.com](mailto:johanna.wilbert@quarles.com)>

**Sent:** Wednesday, August 16, 2023 16:26

**To:** Hux, James <[jhux@fisherphillips.com](mailto:jhux@fisherphillips.com)>

**Cc:** Lanciloti, Daniel <[dlanciloti@fisherphillips.com](mailto:dlanciloti@fisherphillips.com)>; Honeycutt, Mike <[jhoneycutt@fisherphillips.com](mailto:jhoneycutt@fisherphillips.com)>; Hulse, Nick <[nhulse@fisherphillips.com](mailto:nhulse@fisherphillips.com)>; Valtierra, Elaina <[evaltierra@fisherphillips.com](mailto:evaltierra@fisherphillips.com)>; Carwin, Michael W. (CHI x6116) <[Michael.Carwin@quarles.com](mailto:Michael.Carwin@quarles.com)>; Manion, Shauna D. (MKE x1417) <[Shauna.Manion@quarles.com](mailto:Shauna.Manion@quarles.com)>; Vidal Schumm, Jennifer M. (CHI x6266) <[Jennifer.Schumm@quarles.com](mailto:Jennifer.Schumm@quarles.com)>; Splitek, Matthew J. (MAD x2454) <[matthew.splitek@quarles.com](mailto:matthew.splitek@quarles.com)>

**Subject:** RE: Ecolab v Grailer [QBLLP-ACTIVE.FID42715720]

James,

Upon a very cursory initial review, it does not appear that this document was created using the export function provided by Microsoft. We have requested the Microsoft generated audit log, provided instructions on how to use the Microsoft console to create the document, and it appears you that this document may have come from a third-party tool that you have not disclosed to us. From what I could quickly gather from this document, it does not appear that you have identified the third-party tool used to create this document and have not provided the search criteria. To help

facilitate your request that we determine by the close of business tomorrow if we will withdraw our motion seeking the Microsoft 365 audit log, can you respond to any of the following questions:

1. Do you claim that this document was created using the export function provided by Microsoft?
2. If the answer to 1 is no, what tool was used to create this document?
3. What search criteria was used to create this document?
4. Do you object to using the Microsoft console to export that data and providing the search criteria used? If so, what is the basis of that objection?

Best regards,  
Johanna

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**From:** Hux, James <[jhux@fisherphillips.com](mailto:jhux@fisherphillips.com)>  
**Sent:** Wednesday, August 16, 2023 4:13 PM  
**To:** Wilbert, Johanna M. (MKE x1495) <[johanna.wilbert@quarles.com](mailto:johanna.wilbert@quarles.com)>  
**Cc:** Lanciloti, Daniel <[dlanciloti@fisherphillips.com](mailto:dlanciloti@fisherphillips.com)>; Honeycutt, Mike <[jhoneycutt@fisherphillips.com](mailto:jhoneycutt@fisherphillips.com)>; Hulse, Nick <[nhulse@fisherphillips.com](mailto:nhulse@fisherphillips.com)>; Valtierra, Elaina <[evaltierra@fisherphillips.com](mailto:evaltierra@fisherphillips.com)>; Carwin, Michael W. (CHI x6116) <[Michael.Carwin@quarles.com](mailto:Michael.Carwin@quarles.com)>; Manion, Shauna D. (MKE x1417) <[Shauna.Manion@quarles.com](mailto:Shauna.Manion@quarles.com)>; Vidal Schumm, Jennifer M. (CHI x6266) <[Jennifer.Schumm@quarles.com](mailto:Jennifer.Schumm@quarles.com)>; Spletek, Matthew J. (MAD x2454) <[matthew.spletek@quarles.com](mailto:matthew.spletek@quarles.com)>  
**Subject:** RE: Ecolab v Grailer [QBLLP-ACTIVE.FID42715720]

That should read please let us know by close of business **tomorrow** if you intend to withdraw your motion to compel or if you otherwise object to our request for a 1 week extension to respond to the motion to compel. My apologies for the typo. If you need more time to review we intend to ask for the extension. Thanks.



**James M. Hux, Jr.**  
Attorney at Law

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**From:** Wilbert, Johanna <[johanna.wilbert@quarles.com](mailto:johanna.wilbert@quarles.com)>  
**Sent:** Wednesday, August 16, 2023 4:07 PM  
**To:** Hux, James <[jhux@fisherphillips.com](mailto:jhux@fisherphillips.com)>  
**Cc:** Lanciloti, Daniel <[dlanciloti@fisherphillips.com](mailto:dlanciloti@fisherphillips.com)>; Honeycutt, Mike <[jhoneycutt@fisherphillips.com](mailto:jhoneycutt@fisherphillips.com)>; Hulse, Nick <[nhulse@fisherphillips.com](mailto:nhulse@fisherphillips.com)>; Valtierra, Elaina <[evaltierra@fisherphillips.com](mailto:evaltierra@fisherphillips.com)>; Carwin, Michael W. <[Michael.Carwin@quarles.com](mailto:Michael.Carwin@quarles.com)>; Manion, Shauna D. <[Shauna.Manion@quarles.com](mailto:Shauna.Manion@quarles.com)>; Vidal Schumm, Jennifer M. <[Jennifer.Schumm@quarles.com](mailto:Jennifer.Schumm@quarles.com)>; Spletek, Matthew J. <[matthew.spletek@quarles.com](mailto:matthew.spletek@quarles.com)>  
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James,

We have received your e-mail. If I understand your e-mail, you are giving us 60 minutes from now and approximately 90 minutes from when you sent the e-mail to tell you if we will either withdraw our motion or agree to an extension. Is that correct? If so, that is simply not reasonable. We need the opportunity to consult with our technical expert about what has been provided and need more than 60 minutes to schedule that type of a meeting. After that, we would then need to consult with our client. I am sorry, but we need more time to provide you with a substantive response to your questions. If you move for an extension without giving us the opportunity to meaningfully review the data provided and consider your requests by consulting with our expert and client, please do not represent that we have meaningfully met and conferred. We simply need more time to provide you with a substantive response.

Johanna



Johanna Wilbert | Partner  
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**From:** Hux, James <[jhux@fisherphillips.com](mailto:jhux@fisherphillips.com)>  
**Sent:** Wednesday, August 16, 2023 3:28 PM  
**To:** Spletek, Matthew J. (MAD x2454) <[matthew.spletek@quarles.com](mailto:matthew.spletek@quarles.com)>; Wilbert, Johanna M. (MKE x1495) <[johanna.wilbert@quarles.com](mailto:johanna.wilbert@quarles.com)>

**Cc:** Lanciloti, Daniel <[dlanciloti@fisherphillips.com](mailto:dlanciloti@fisherphillips.com)>; Honeycutt, Mike <[jhoneycutt@fisherphillips.com](mailto:jhoneycutt@fisherphillips.com)>; Hulse, Nick <[nhulse@fisherphillips.com](mailto:nhulse@fisherphillips.com)>; Valtierra, Elaina <[evaltierra@fisherphillips.com](mailto:evaltierra@fisherphillips.com)>; Carwin, Michael W. (CHI x6116) <[Michael.Carwin@quarles.com](mailto:Michael.Carwin@quarles.com)>; Manion, Shauna D. (MKE x1417) <[Shauna.Manion@quarles.com](mailto:Shauna.Manion@quarles.com)>; Vidal Schumm, Jennifer M. (CHI x6266) <[Jennifer.Schumm@quarles.com](mailto:Jennifer.Schumm@quarles.com)>

**Subject:** RE: Ecolab v Grailer

Counsel:

I am writing in regard to discovery in the Grailer matter. As you know, in addition to the audit logs that we previously produced in discovery in this case, we have not refused to provide the additional Microsoft Office 365 audit logs that you have requested for Ms. Grailer for the period of January 8-18. To the contrary, we have worked diligently to provide the Office 365 audit logs, including enlisting a third party to help obtain the information.

Attached for your review are the Microsoft 365 audit logs for Ms. Grailer for the period of January 8-18, 2023. The attached audit logs are more fulsome data-wise than the formatted audit logs that you provided for our review. However, we have erred on the side of overinclusion of the requested data. We plan to upload these documents into Relativity and produce them separately, but we did not want to hold up production in the interim.

Please advise if you are withdrawing your motion to compel. If you are not going withdraw your motion to compel, we plan to request that the court provide us with an extension of 1 week to either provide you with additional time for review or to allow us time to file a response in consideration of our production. Please let know by COB if you are withdrawing and/or if you will agree to a 1 week extension for us to respond to your motion. Thank you.



**James M. Hux, Jr.**

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